



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/604,125	06/26/2003	Jennifer L. Woodruff	47320.0049	1124

25928 7590 12/05/2005
CHRISTOPHER J. KULISH, ESQ
HOLLAND & HART LLP
P. O. BOX 8749
DENVER, CO 80201-8749

EXAMINER

CHEN, TIANJIE

ART UNIT	PAPER NUMBER
----------	--------------

2656

DATE MAILED: 12/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/604,125

Applicant(s)

WOODRUFF ET AL.

Examiner

Tianjie Chen

Art Unit

2652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Final Rejection

Claim Objections

1. Claims are objected to because of the following informalities:

- In claims 27-31, line 1; "25" should be changed to -26--; respectively.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 12-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hidano et al (US 5,442,500) in view of Dimitri (5,818,723).

Claim 12, Hidano et al shows a magazine-based data cartridge library in Fig. 2 including: a frame 3 defining an interior space; a shelf system 2 (Column 4, line 21) disposed within the interior space capable of supporting at least a first and second data cartridge magazine 30 (Column 4, line 33), wherein each of the data cartridge magazines capable of holding at least two data cartridges 10 (Column 4, line 22); a user definable space within the interior space sized to be capable of including at least one drive 95 (Column 4, line 54) adapted to read and write data to and from one of the data cartridges when cooperating with the data cartridge; a cartridge transport device 80 (Fig. 3; column 4, line 26) installed in the space.

Hidano et al does not show a magazine transport space interposed between the shelf system and the user definable space; a magazine transport device capable of

Art Unit: 2656

moving one of the first or second data cartridge magazines within the magazine transport space.

Dimitri shows a magazine-based data cartridge library in Fig. 1, wherein a data cartridge transport device 110 also has the function as a magazine transport device capable of moving one of the first or second data cartridge magazines within the magazine transport space. Dimitri also teaches that this magazine transport device can move the magazines thus sped up the processing process (Column 2, lines 28-41). One of ordinary skill in the art would have been motivated to add the magazine transport function onto the cartridge transport device in Hidano et al's device, thus speed up the processing process. In such constructed device, a magazine transport space interposed between the shelf system and the user definable space.

Claim 13, Hidano et al shows that the user definable space is sized to be capable of further including a second shelf system 2b capable of supporting at least a third data cartridge magazine.

Claim 14. Hidano et al shows the magazine transport space is bounded by a first and a second face wherein the first face is defined by the interface between the magazine transport space and the shelf system and the second face is defined by the interface between the magazine transport space and the user definable space (See Fig. 3 attached in next page).

Claim 15, Hidano et al shows that the first and second faces are substantially parallel planes.

Claim 16, Hidano et al shows that the first and second faces are substantially concentric parallel planes in respect to a concentric center as marked in Fig. 1 below.

FIG. 2

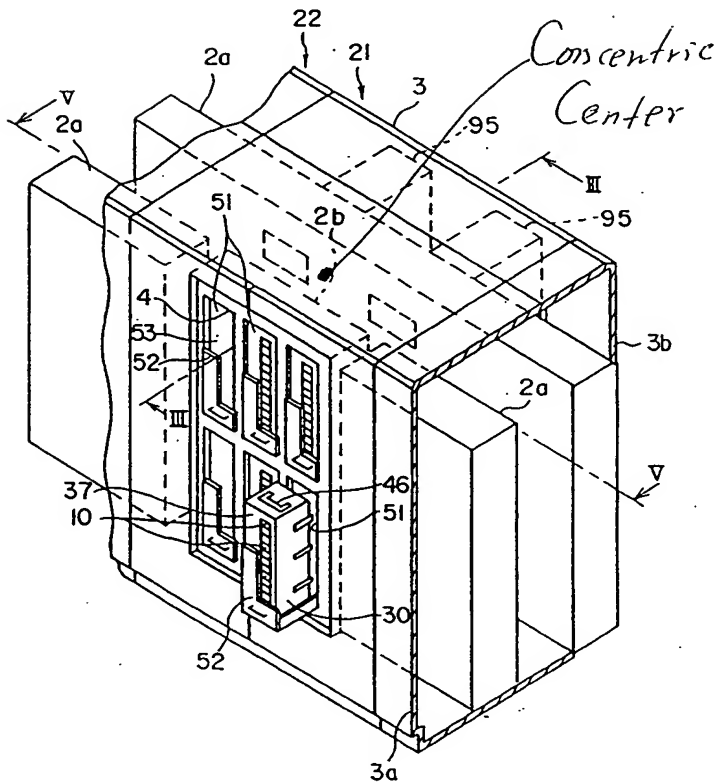
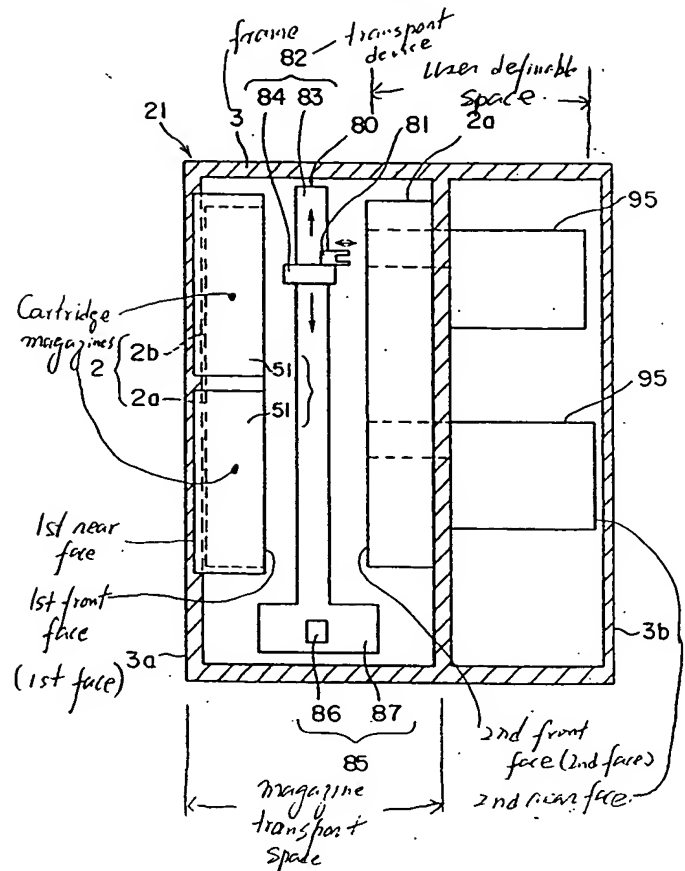


FIG. 3



Claim 17, Hidano et al further shows that at least a portion of the shelf or the user definable space overlaps the magazine transport space.

Claim 18, Hidano et al shows the magazine transport space can accommodate the first or second data cartridge magazines in an orientation substantially identical to an orientation of the first or second data cartridge magazine when supported by the shelf system.

Claim 19, Hidano et al shows in Fig. 3 that a distance between the first and second faces as measured orthogonally is less than about 150% of a length of the first or second data cartridge magazine as measured from a front face of the first or second

Art Unit: 2656

data cartridge magazine to a rear face or the first or second data cartridge magazine, respectively.

Claim 20, Hidano et al shows that the shelf system 2 is attached to the frame 3.

Claim 21, in the above constructed Hidano et al and Dimitri's device, the magazine-based data cartridge library capable of performing the method steps of: grasping a data cartridge magazine from a shelf system with a picking device; transferring the data cartridge magazine from the shelf system to a magazine support disposed in a magazine transport space located between the shelf system and a user definable space opposite the shelf system; positioning the data cartridge magazine when in the magazine transport space to facilitate cooperation of one of a plurality of data cartridges disposed in the data cartridge magazine with a drive disposed in the user definable space wherein the drive is adapted to store and retrieve data to and from the data cartridge.

Claim 22, in the above constructed device, the library is further capable of performing the method step of maintaining constant directional orientation of the data cartridge magazine from when disposed in the shelf system through the positioning step.

Claim 23, in the above constructed device, the library is only capable of performing the method step of moving the data cartridge magazine when the data cartridge magazine is substantially resting on the magazine support.

Claim 24, in the above constructed device, the library is further capable of performing the method step of positioning the data cartridge magazine when in the magazine transport space to a second shelf system disposed in the user definable space.

Claim 25, in the above, constructed device, the library is further capable of performing the method step of inserting the data cartridge into the drive from the (1a) cartridge magazine wherein the data cartridge magazine remains at rest on the magazine support in the transport space in the constant directional orientation.

Claim 26, above constructed device is a magazine-based data cartridge library including: a frame defining an interior space; a shelf system disposed within the interior space capable of supporting at least a first and second data cartridge magazine wherein each of the data cartridge magazines is capable of holding a plurality of data cartridges; Fig. 3 shows that the shelf system 2a and 2b adapted to reside in a vertical plane 3a substantially bounded by a first front face and a first rear face (Fig. 3); a user definable space within the interior space sized to be capable of including at least one drive adapted to read and write data to and from one of the data cartridges when cooperating with the data cartridge; the user definable space adapted to reside in a vertical plane substantially bounded by a second front face and a second rear face wherein the second front face opposes the first front face; a magazine transport space interposed between the first front face and the second front face; a magazine transport device capable of moving one of the first or second data cartridge magazines within the magazine transport space when the first or second data cartridge magazine is resting on a magazine support.

Claim 27, in the above constructed device, the data cartridge magazine when supported by the shelf system is in substantially an identical directional orientation as when supported by the magazine support.

Claim 28, in the above constructed device, the user definable space is sized to be capable of further including a second shelf system capable of supporting at least a

Art Unit: 2656

third data cartridge magazine.

Claim 29, in the above constructed device, the first and second front faces are substantially parallel planes.

Claim 30, in the above constructed device, the first and second front faces are substantially concentric parallel planes.

Claim 31, in the above constructed device, at least a portion of the shelf or the user definable space overlaps the magazine transport space.

Response to Arguments

3. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Art Unit: 2656

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tianjie Chen whose telephone number is 571-272-7570. The examiner can normally be reached on 8:00-4:30, Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa Nguyen can be reached on 571-272-7579. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


TIANJIE CHEN
PRIMARY EXAMINER